



**SOS CHILDREN'S
VILLAGES**
SOMALIA

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Submission of SOS Children's Villages Somalia

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INTRODUCTION

SOS Children's Villages Somalia (SOS CVS) presents this submission concerning children's rights in Somalia for consideration by the UPR Working Group at its 38th session (April-May 2021). SOS Children's Village Somalia is a Member Association of a Global Federation known as SOS-Kinderdorf International that operates in 136 countries with its headquarters in Vienna, Austria.

SOS CVS is a child-focused organization with a clear mandate, vision, and mission aligned with the UN Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children. SOS CV has been operational in Somalia for the last 35 years providing alternative care for children who have lost parental care or at risk of losing it. After establishing the first Children's Village in Mogadishu in 1985, SOS CVS continued expanding its programs in child protection and development, family strengthening, youth and adolescents programs, education, and emergency life-saving programs as health, nutrition, and WASH to the rest of the country.

This report will evaluate the commitments made by the Government of Somalia in implementing the recommendations accepted during its previous UPR. The report addresses the following issues: children deprived of parental care, street children, children associated with armed forces and armed groups, children in conflict with the law, child-headed households, children in institutional care, early and forced marriages, and young people leaving care and aftercare.

CHILDREN DEPRIVED OF PARENTAL CARE

The government is obliged to provide care to those with no parental care, according to Article 28(3) of the Federal Constitution.¹ In the case of street children and children of unknown parents, the State should provide absolute protection and care.² Children who are separated from their usual caregivers are a severe cause for concern in Somalia.

Family separations are mainly triggered by wars and conflict, which requires a movement to safety. Poverty is a significant problem. Some caregivers rely financially on their children. The last 35 years of conflict left many children orphans, many of whom live and work in the street, and some are the primary providers for their families. Many of these children do not go to school because they engage in activities to support themselves and their families. The schedules of mainstream education programs do not match with their daily routines. Most children separated from their usual caregivers live in internally displaced persons (IDP) camps and those coming from drought and armed conflict-affected areas.³

The government has created some alternative care programs for the most vulnerable children. An example is the establishment of orphanage centers in Banadir, Puntland and Somaliland by Somalia Federal government. This Center provides alternative care arrangements and educational facilities services that go beyond primary education and support but there is no gate keeping guidelines that Ensure The Most Suitable Care Settings for Children without adequate Parental Care.

However, there are underlying challenges these children face. Some face physical punishment, sexual abuse, Child to child abuse and child labour. Most of them do not have adequate shelter and protection. The programs run by the government have funding limitations not to mention how the services are few and concentrated in some urban centres. There are also inadequate referral mechanisms between different agencies to address children who are abused and violated. Even a child protection system does not exist in many of the rural and pastoralist areas.

Moreover, those children in al Shabab region face gross human right violations. The few agencies in place, to protect and uphold the rights of those children lack legal support from the government since

there is no legislation or policy in place to enforce those children's rights.

LEGISLATIVE FRAMEWORK & DOMESTICATION OF HUMAN RIGHT INSTRUMENTS.

The Federal Republic of Somalia does not have a comprehensive legal framework that addresses the rights of Children. The National Development Plan (2017-2019) proposes the development of a National Children's Policy and Act drawing on Somalia's obligations under the UNCRC, CRPD as well as the African Charter and other relevant instruments. The government launched these policies in 2017-2019, Many of these policies are draft and not enacted/approved by the state and the implementation remains challenge, these policies including the ratification of African Charter, Alternative care policy, FGM policy, Disability act, Somali Sexual Offences Bill, Child Rights Bill, the Juvenile Justice Bill, these policies remain congested due to lack of prioritization and commitment from the state Government and lack puts children into jeopardy and increase of violence against women , children and vulnerable groups.

ORPHANED CHILDREN

According to UNICEF, about one per cent of the Somali children are double orphans, while those categorized as single orphans comprise nine per cent of the children. The incidence of children living in households without their biological parents has been rising over recent decades and is even higher when they are older. Orphaned children in Somalia appear to live in challenging circumstances and are subject to many child rights violations. They lack parental care and love. They are subject to discrimination, lead unhappy lives, which sometimes is exacerbated by insecurity. Many of them have difficulty accessing healthcare, proper clothing, food, and other necessities. Access to education is limited because they do not have money to pay school fees. According to many of the children who participated in the focus group discussions of the assessment conducted by UNICEF and civil society organizations, living without parental care is considered one of the most deplorable conditions a child can pass through.

Most orphaned children are taken care of within Somalia's extended family structure who provides educational support, shelter, and food to orphaned children. However, harsh economic conditions may prevent extended families from supporting orphaned children for a more extended period, thus forces them to engage in child labour for survival.⁴ In addition, some institutional facilities are supported by international organizations. However, these services remain inadequate and are financially limited due to external funding. The Government and the

Federal States' support is equally limited and do not have a clear strategy to address issues concerning orphan children nationally.

CHILDREN ASSOCIATED WITH ARMED GROUPS

Children are recruited or used by armed groups, and in some cases, they serve in clan militias. Armed groups recruit children as young as 9, with an emerging trend of girls being abducted and forcefully recruited by the armed groups to do domestic chores. Girls are also reportedly being used as spies. Children in IDP camps and those with no access to education and support are particularly vulnerable to recruitment into armed groups.⁵The root cause for joining armed groups include radicalization, seeking economic opportunities, forceful recruitment, teenagers' rebellion against harsh punishment by parents, recruitment facilitated by parents, admiration of the uniform, and abduction by armed groups. Children have also been recruited by clan elders to join clan militia groups to earn income for their families and clan patriotism.

Children join government forces, clan militia and other armed groups equally motivated by an economic gain to support their families and themselves. However, the government has recently issued strict guidelines to all its security forces not to allow the recruitment of children under the age of eighteen and anyone under eighteen found in the Somali national forces to be immediately discharged. The government is putting in place a system to ensure that its policy of zero tolerance on the use of children into forces is strictly enforced.

In 2018, armed groups in Somalia were reported to have forcefully recruited and used in conflict 2,228 boys and 72 girls. Sexual violence attributed to armed forces and groups affected 328 girls and three boys. 1,471 boys and 130 girls, some as young as 8, were abducted, mainly for recruitment and use.⁶ In the same year, there were 77 verified attacks of schools. Incidents included killing, abduction, and threats against teachers, destruction, and looting.⁷ Somalia signed the Safe Schools Declaration and Guidelines in 2015 that protect children in schools. A training on operationalizing the Guidelines was held in 2018 with Somali armed forces, police, and relevant Ministries. Although policies to protect Children in education and children exist, they are not being implemented and do not apply to private schools.

CHILD-HEADED HOUSEHOLDS

In Somalia, loss of livelihoods and food insecurity due to conflict or drought results in parents either going away to earn a living elsewhere or sending children out to live with others or engage in child labour. Some families also send their children to live in IDP camps to improve their access to essential services. Some of these children live on their own or with other children as 'child-headed households'. Especially in female-headed households, girls are expected to take on homemaker duties while mothers are working. Many families are child female-headed due to a combination of factors – including but not limited to high levels of child marriage that cause divorce, polygamy, male death rates. In contrast, the male head of household works. The increased prevalence of child female-headed households has a mixed impact on resilience and child well-being.

On the one hand, it places considerable strain on the household's female head and increases the likelihood that female children will be held out of school to help with household duties. There are also concerns that fathers' absence could increase the risk of behavioural problems among young men.

STREET CHILDREN

Street children's main reasons for separation from their families were the loss of the primary family breadwinner, especially the mother, and general poverty. When the family arrangement changes and a new stepmother or stepfather comes in, boys are more likely to leave than girls who tend to stay with their mothers or go to their mother's kin. In IDP camps and communities, it is predominantly female-headed households that take in non-biological children. Since the household's female head must earn a living outside the home, there is a likelihood of childcare being neglected. Other children live on the streets with their entire families after losing a home to natural disasters, poverty, or conflict.

All street children share one common challenge - they struggle to obtain even the most basic needs and due rights. According to a UN report, children in street situations are deprived of many of their rights both before and during their time on the streets. However, those on the road are more likely to be victims or delinquents than rights holders. Unlike other children their age, street children lack access to essential services such as education, healthcare and are more susceptible to prevalent social and health problems. They experience higher rates of STIs, HIV/AIDS, unwanted pregnancies, violence, suicide, and child trafficking. These issues require

more government involvement and the implementation of child protection services and proper legislation and policy in place.

CHILDREN IN INSTITUTIONAL CARE

In Somalia, most children separated from their families or placed in institutional care have one or both parents alive and extended family. Often families are separated, and children are placed in institutional care due to poverty, family breakdown, medical and health crises, abuse, or lack of adequate support services. Institutional care is the most preferred care options for orphans, Unaccompanied and separated children. SOS Children's villages in experience in Somalia has shown that children and their families who require support have numerous needs which require a range of social support services. There is no coordination among institutional caregivers/orphanages and the government, there is no specific mandate provided by the government line ministries.

Upon identifying an unaccompanied child, most community members are likely to care for the child or find someone else in the community to do so. However, most people in the city rarely seek assistance from an organization that deals with children. Additionally, there are no Alternative care settings in most part of Somalia would provide care for orphans or separated children. The main service being provided by the public institutions are residential care, daycare, and recreational activities. Children as young as 3 years are put in institutional care that is not the suitable care option for a child at the age of 3 years. The National Alternative care policy that should have guided the range of care options in the county is still draft since 2016 and yet no major effort has been taken by the government to finalize and approve the alternative care policy.

YOUNG PEOPLE LEAVING CARE AND AFTERCARE

In Somalia, Young people leaving Care service experience many challenges such as poor education, poverty, unemployment, mental health problems, recruitment into armed forces/groups and migration. These young people, in particular those who are unable to be reunified with their families, adopted or placed with extended family members, need additional support (independent living support) so that they can become well-adjusted members of the community.

Aftercare support services for children leaving alternative care in Somalia are inconsistent and provided in an ad-hoc manner. There is little or no data about the number of children receiving

aftercare support services, and there is no information on outcomes for children after they leave alternative care. There is no provision in the Children Act for aftercare services. Hence intervention is highly varied. Receiving a service often depends on the agency. Some children receive support when they leave care while others receive none.

RECOMMENDATIONS

Our organization recommends the Government of Somalia to:

- Finalize and approve Alternative Care policy to promote the range of care options available in the country and implement the national draft bills and policies for the advancement of women and children Rights such as the Child Act, Sexual Offences Bill, Juvenile Justice Bills and ratify the African Charter and Welfare of the Child and develop an effective mechanism on how to use the Conventions as a legal document and Ensure effective implementation and domestication of the national policies to strengthen the protection system for Children, Women and Vulnerable group
- Develop policy and guidelines that improve the services and life of young people leaving care and after care
- Allocate resources (including budgetary) to address the problems associated with a family environment and Children in alternative care arrangements.
- Implement fully the 2012 Action Plans to eradicate the recruitment, use of child soldiers, and achieve the goal of “Children Not Soldiers” campaign.
- Strengthen gatekeeping to ensure that children under the age of 3 are not placed under institutional by carrying out community-based assessments on children’s needs and existing interventions within families and communities.
- Raise public awareness about the rights of children, highlighting the issues of marginalized groups of children such as children with disabilities, street children, and child-headed households.
- Put in place, monitor and evaluate aftercare services, in collaboration with NGOs, to determine the effectiveness of interventions and keep records of youth receiving aftercare services. Enact legislation to standardize aftercare services.

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